

#4P

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: GERARD VANACKER ET AL. Docket No.: 01-765
 Serial No.: 10/019,715 Examiner :
 Filed : December 28, 2001 Art Unit :
 For : FIXING ELEMENT AND ANCILLARY
 FOR STABILISING VERTEBRAE

900 Chapel Street
 Suite 1201
 New Haven, CT 06510-2802

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box PCT
 Hon. Commissioner of Patents and Trademarks
 United States Patent & Trademark Office
 Washington, D.C. 20231

Dear Sir:

In response to the Official Notification of Missing Requirements mailed March 7, 2002, a copy of which is enclosed, Applicants enclose herewith an English translation of the application and a Combined Declaration and Power of Attorney.

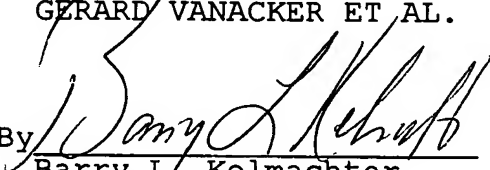
Please charge any fees which may be required hereunder to Deposit Account No. 02-0184.

It is submitted that this application now complies with all formal requirements and therefore an action on the merits is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231
 March 11, 2002

(Date of Deposit)
 Nicole Motzer
 Name and Reg. No. of Attorney
 Signature
 March 11, 2002
 Date of Signature
 Date: March 11, 2002

Respectfully submitted,
 GERARD VANACKER ET AL.

By 
 Barry L. Kelmacher
 Attorney for Applicants

Area Code: 203
 Telephone: 777-6628 ext. 114
 Telefax : 865-0297



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box P.C.1
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/019,715	Gerard Vanacker	01-765

INTERNATIONAL APPLICATION NO.

PCT/FR00/01872

I.A. FILING DATE	PRIORITY DATE
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06/30/2000

07/01/1999

Barry L Kelmachter
 Bachman & LaPointe
 900 Chapel Street
 Suite 1201
 New Haven, CT 06510-2802

CONFIRMATION NO. 1024

371 FORMALITIES LETTER



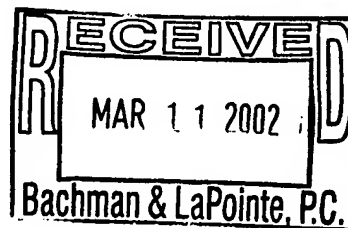
OC000000007587260

Date Mailed: 03/07/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/019,715	PCT/FR00/01872	01-765

FORM PCT/DO/EO/905 (371 Formalities Notice)

FORM PTO-1590
(REV. 9/2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

01-765

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/019,715

INTERNATIONAL APPLICATION NO.
PCT/FR00/01872INTERNATIONAL FILING DATE
June 30, 2000PRIORITY DATE CLAIMED
July 1, 1999

TITLE OF INVENTION

FIXING ELEMENT AND ANCILLARY FOR STABILISING VERTEBRAE

APPLICANT(S) FOR DO/EO/US
GERARD VANACKER ET AL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98, Form PTO-1449, Refs. (5).
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
Form PTO/IB/306

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231

on March 11, 2002

(Date of Deposit)

Nicole Motzer

Name and Reg. No. of Attorney

Nicole Motzer

Signature

March 11, 2002

Date of Signature

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APR 17 2002
TECHNOLOGY CENTER R3700

TECHNOLOGY CENTER R3700

APR 18 2002

RECEIVED

U.S. APPLICATION NO. (if known, see 37 CFR 1.51) 10/019,715	INTERNATIONAL APPLICATION NO. PCT/FR00/01872	ATTORNEY'S DOCKET NUMBER 01-765
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21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =	CALCULATIONS PTO USE ONLY																									
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;">\$</th> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x \$18.00</td> <td>\$</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x \$84.00</td> <td>\$</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$280.00</td> </tr> <tr> <td colspan="4">TOTAL OF ABOVE CALCULATIONS</td> <td>= \$</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total claims	- 20 =		x \$18.00	\$	Independent claims	- 3 =		x \$84.00	\$	MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$280.00	TOTAL OF ABOVE CALCULATIONS				= \$	\$
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																						
Total claims	- 20 =		x \$18.00	\$																						
Independent claims	- 3 =		x \$84.00	\$																						
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$280.00																						
TOTAL OF ABOVE CALCULATIONS				= \$																						
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$																									
SUBTOTAL	= \$																									
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$																									
TOTAL NATIONAL FEE	= \$																									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	\$																									
TOTAL FEES ENCLOSED	= \$ ---																									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Amount to be refunded:</td> <td style="width: 20%;">\$</td> </tr> <tr> <td>charged:</td> <td>\$</td> </tr> </table>	Amount to be refunded:	\$	charged:	\$																					
Amount to be refunded:	\$																									
charged:	\$																									

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
 overpayment to Deposit Account No. 02-0184. A duplicate copy of this sheet is enclosed.

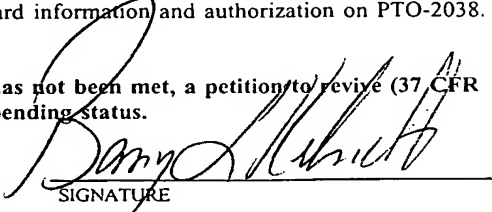
d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card
 information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Barry L. Kelmachter
 BACHMAN & LaPOINTE, P.C.
 900 Chapel Street, Suite 1201
 New Haven, CT 06510-2802

Tel.: (203) 777-6628 - ext. 114


 SIGNATURE
 Barry L. Kelmachter
 NAME
 29,999
 REGISTRATION NUMBER